

**City of Somerville
Licensing Commission**

**Senior Center
2nd Floor
Tufts Administration Building
167 Holland Street**

***DRAFT OF THE
Minutes of the Regular Meeting***

**Regular Meeting
Monday
April 8, 2019
6:00 p.m.**

NOTICE: This is NOT the official version of the Licensing Commission's Minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the Secretary to the Licensing Commission.

***The meeting was called to order at 6:06pm. Present were Commissioners, Lynch, McKenna and Allen, Secretary to the Commission Lori Batzek, Sgt. Chaille a member of the Police (arrived at 6:17:56) and Lt. MacLaughlan a member of the Fire Dept., applicants and members of the public.
The meeting adjourned at 7:39pm***

1. Minutes of March 18, 2019 Meeting

The Commission Approved these minutes

Communications

2. From the City Clerk conveying proposal from Commissioner Allen pertaining Draft Marijuana Regulations for Adult Use Marijuana Establishment Licenses in the City of Somerville

Withdrawn by Commissioner Allen per City Clerk, John Long

The Commission made a note of this Withdrawal

3. From the City Clerk proposing draft Standing Rules for the Licensing Commission, including the use of the most recent edition of Roberts Rules of Order Newly Revised as the Commission's parliamentary authority

City Clerk John Long spoke on behalf of this proposal. A simplified version was provided to the Commissioners. Mr. Long has the full version. The commission is satisfied with the copy provided. Mr. Long recommends adopting this parliamentary authority as is used by the City Council, Roberts Rules of Order. He also provided an updated draft of standing rules with the recommendation to include Unfinished Business in the rules.

The Commission concluded there is no urgency to adopt these rules at tonight's meeting. The Commission extends its gratitude to the City Clerk for his help on this matter. This will be very useful for the Commission's business.

4. Request from Eat at Jumbo's d/b/a Sassafras requesting approval to close the restaurant temporarily

Owner Grover Taylor spoke of the Ball Sq. Bridge Closure and Personal Health Issues for requesting the temporary closure of this business. He indicated the restaurant may be sold (in January), but would like the option to hold the Alcohol License in case this sale falls through

The Commission granted this Temporary Closure request for 3 months. Owner Grover Taylor must follow up with a written communication to the Commission in 3 months' time as to the status of the business on whether the sale has been completed or if he is requesting additional time for the closure

- 4a. Affidavit of Days and Hours Open for Operation request from Pepe Bocca Inc. Applicant requested to amend the hours of operation of the license to be operating for zero (0) hours each day.

Attorney Rashi Mangalick of McDermott, Quilty and Miller representing Giovanni Maione spoke pertaining to the Affidavit of Days and Hours Open for Operation submitted for a request for Zero Hours.

The Commission approved this change of Zero Hours from 4/8/19 forward until further notice

Motion to Reconsider: Comments from the Public: Lee Auspitz resident of Chapel St. spoke on behalf of Pepe Bocca in support of this business. He would like an investigation into any correspondence between the landlord and the City on this matter. He is concerned as to any aspersions cast against Mr. Maione pertaining to the electronic signature on the 304 Inspection Report and also questions the City's policy for the last several years of electronic signatures on these documents. He states this appears as an appearance of impropriety. Mr. Auspitz would like the commission to investigate any communication between the landlord and the city.

The Chair indicates that there were no aspersions cast against Mr. Maione after review of the minutes.

Commissioner McKenna states this citizen's request is not germane and this matter has been concluded with an indefinite moratorium on his hours of operation, as he has requested. This matter has been treated as a number of matters have been treated.

The Chair has asked Mr. Auspitz to send in writing, directly to Commissioner Lynch through the City Clerks' Office a request to go back through the last two months to re verify that there has been no improper activity. The commission will respond to this request.

Attorney Mangalick inquired as to submitting the application for an alteration of premises. The Chair indicated any application moving forward, including hours of operation, they are free to submit.

Common Victualler,

5. Oriental Restaurant Inc.
d/b/a Oriental Restaurant
513a Medford St.
Shanshan Ou
New Owner AL17-000217
(AL19-000020)

Shanshan Ou spoke on this application. This is a transfer from father/parents to daughter of this business. She has worked in this restaurant for over 5 years.

The Commission approved this Common Victualler License

Special Alcohol License

6. Indignant Brewing Co, LLC d/b/a Winter Hill Brewing Company requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Proposed Beer Garden to be held Outdoors in The Lot, 49 Day St. on Saturday's, May 11,18,25, 2019, June 1,8,15,22,29,2019, July 6,13,20,27, 2019, August 3,10,17,24,31, 2019 September 7,14,21,28, 2019 and October 5, 2019 from 12:00pm – 11:00pm
(PEL19-000037)

The Commission continued this item from the March 18, 2019 Licensing Commission Meeting

WITHDRAWN BY REQUEST OF APPLICANT – 4/2/19

The Commission made a note of this Withdrawal

7. Somerville Open Studios, 58 Day St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Somerville Open Studios – First Look Show to be held Indoors at the Somerville Museum, 1 Westwood Rd. on Sunday, April 14, 2019 from 2:00pm to 4:30 pm (PEL19-000040)

Teresa Dovidio spoke on behalf of this application. In anticipation of SOS being held on May 3, 4, and 5, 2019, for a preopening. Approximately 150 attending.

The Commission approved this Special Alcohol License

8. Bow Market Entertainment, LLC, 337 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Porch Fest at Bow Market to be held Indoors and Outdoors at 337 Somerville Ave. on Saturday, May 11, 2019 and Sunday, May 12, 2019 with a Rain Date of 5/19/19, from 12:00pm – 10:00pm (PEL19-000043)

Zach Baum, Manager of record, appeared for this application. In conjunction with Porchfest and the day afterwards. Porchfest was opening day for Bow Market last year. Will line up appropriate Police Detail already spoke with the Fire Department for a detail. Will have a DJ.

The Commission approved this Special Alcohol License

9. Saint Anthony of Padua Parish, 12 Properzi Way, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Mother's Day Dinner to be held Indoors in Saint Anthony's Church Hall on Saturday, May 11, 2019 from 8:00pm – 12:00am (PEL19-000045)

Valdemiro Arantes appeared for this application. 1st time representing St. Anthony's. Has been in the community 17 years. Currently signed up 200 people, the hall holds approx. 700 people

The Commission approved this Special Alcohol License

10. Bow Market Entertainment, LLC, 337 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Bow Market/Remnant Brewing One Year Anniversary to be held Indoors and Outdoors at 337 Somerville Ave. on Saturday, May 18, 2019 with a Rain Date of 5/19/19, from **12:00pm – 9:00pm**
(PEL19-000047)

Zach Baum, Manager of record, appeared for this application. Correct time should be changed to: from 12pm to 9:00pm. Rain date for Porchfest will be the 19th. The 1 year anniversary will supersede porchfest (will not use this rain date for porchfest). They will not have the same rain date for both events.

The Commission approved this Special Alcohol License

11. Hellenic Association of Somerville d/b/a Dormition of Virgin Mary Church, 29 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Gyro Day Fundraiser to be held Indoors and Outdoors in the Lower Hall and on the Lawn at 29 Central St. on Saturday, May 4, 2019 from 12:00pm – 8:00pm
(PEL19-000049)

Peter Tsourianis appeared for this application. Number of attendees depends on the weather and the appetite of the community. This is a non ticketed event. No rain date. Food being served Gyros, Salad, Chicken Gyros and Baklava. Gyro machine is outside, (gas) will require a Fire detail

The Commission approved this Special Alcohol License

12. Cuisine En Locale, Inc. d/b/a Once Somerville, 156 Highland Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville Porchfest at Cuisine En Locale to be held Outdoors in a roped off area in the parking lot behind 156 Highland Ave. on Saturday, May 11, 2019 from 12:00pm – 4:00pm
(PEL19-000050)

Nina Goodman and Sean O'Brien appeared for this application. Expecting approx. 150 people at any given time. Will have Tips Certified bartenders. This is their 3rd year for this event. Will have own security. Sgt. Chaille indicated no need for a Police Detail. No tent is being used.

The Commission approved this Special Alcohol License

13. Saint Anthony of Padua Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a Wedding Reception to be held Indoors inside Saint Anthony's Church Hall on Saturday, May 18, 2019 from 8:00pm – 1:00am
(PEL19-000051)

Valdemiro Arantes appeared for this application. Capacity of 700. Has 400 attendees, up to 500 will attend. Will be a catered event. Applicant must notify the Health Dept. the Police Department due to the total number of attendees. Parking lot has approx. 50 spaces.

- The Commission approved this Special Alcohol License*
14. Maggi Price at Warehouse XI, 11 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Maggi Price and Jon Jay's Wedding to be held Indoors at Warehouse XI, 11 Sanborn Ct. on Friday, June 21, 2019 and Saturday, June 22, 2019 from 4:30pm – 11:00pm
(PEL19-000052)

Maggi Price appeared for this application. Friday will be a welcome party. The actual wedding reception will be on Saturday. Bartenders will be Tips Certified. Up to 110 people attending this wedding.

The Commission approved this Special Alcohol License

15. Federal Wine & Spirits Belmont Inc. d/b/a Field & Vine / Backbar, 9 Sanborn Ct. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for a California Winemaker Reception for Olmsted Wine to be held Indoors at Field & Vine / Backbar, 9 Sanborn Ct. and Outdoors in front of the restaurant (2 Private Parking Spaces, a small area will be enclosed with a temp. barrier will be set up), on Wednesday, May 8, 2019 from 5:30pm – 9:30pm
(PEL19-000054)

Sara Markey appeared for this application. She is the event coordinator for Federal Wine & Spirits. Wine makers coming in from California. Doing a ticketed event for about 50 people, with approx. 20 outside. Food service inside the restaurant. Will not be using Backbar facility. Parking spaces belong to Field & Vine. Ticket will include food and alcohol.

The Commission approved this Special Alcohol License

Existing Alcohol License
Farmer Brewery
Change of Hours – Service of Alcohol and Food Service

16. Remnant Brewing, LLC 337 Somerville Ave. requesting approval for a Change of Hours

ALCOHOL HOURS

INDOORS:

From: Hours to serve Alcohol Indoors from Sunday – Wednesday 11am-10pm, and Thursday-Saturday 11am-11pm

To: Hours to serve Alcohol Indoors from Sunday – Wednesday 11am-11pm, and Thursday-Saturday 11am-12am

OUTDOORS:

From: Hours to serve Alcohol Outdoors on private property from Sunday 10am-10pm, Monday- Saturday 9am-10pm

To: Hours to serve Alcohol Outdoors on private property from Sunday 10am-11pm, Monday- Wednesday 9am – 11pm and Thursday – Saturday 9am – 12am

FOOD SERVICE HOURS

INDOORS:

From: Hours to serve Food Indoors from Sunday – Wednesday 9am-10pm, and Thursday-Saturday 9am-11pm

To: Hours to serve Food Indoors from Sunday – Wednesday 9am-11pm, and Thursday-Saturday 9am-12am

OUTDOORS:

From: Hours to serve Food Outdoors on private property from Sunday – Wednesday 9am-10pm, and Thursday - Saturday 9am-10pm

To: Hours to serve Food Outdoors on private property from Sunday – Wednesday 9am-11pm, and Thursday - Saturday 9am-12am

(ALM19-000008)

Brittany Lajoie appeared for this application. She is the general Manager of Remnant Brewing. Establishment has been open for about 11 months. Extending food and alcohol service for 1 hour. Indicates will initially want to extend 1 Hour service, just on Friday and Saturday only. Would like to see how it goes, before expanding to additional days.

The request Sun – Wed. is not being made immediately, potentially in June (may or may not extend for the additional days at all). The commission states the establishment must be open the hours indicated on the license. Would like to serve alcohol from 11am – 10pm Sun through Wed, 11am – 11pm on Thu and 11am – 12am Fri and Sat. This is for Both CV and Alcohol service. The application will be amended to reflect this change.

Gerard Ameal, 345, 347, 349 Somerville Ave. spoke pertaining to this extension of hours application. Would like to request and advise the applicant to have additional staff on duty for closing and operating hours, to be more courteous to the neighborhood and direct abutters. Has spoken with owners of Bow Market, successfully, to work on this matter. Commissioner McKenna stated in the past 10 to 15 years ago, the Precinct and other businesses, had been instructed send their staff to the public parking lots to ensure an orderly disbanding of patrons, both in front of and around the establishment. There have been incidents of public urination and smoking in front of Mr. Ameal's door (both cigarettes and Marijuana). The Commission has indicated that Public consumption of Marijuana is illegal.

The Commission approved these amended change of hours for Friday and Saturday only, for a 1 hour extension.

Existing Alcohol License
Privately Held
All Forms 7 Day Restaurant, Common Victualler,
Entertainment by Devises Patrons and Performers
and a Private Patio License

17. Premier Restaurant Group LLC d/b/a da Vittorio, 519 Broadway requesting approval for a Transfer of an All Forms 7 Day Alcohol Restaurant License from The Uptown Café, Inc. d/b/a Johnny D's, 17 Holland St. to Premier Restaurant Group LLC d/b/a da Vittorio, 519 Broadway, a Common Victualler, Entertainment by Devices, Patrons and Performers License and a Private Patio License
Previously owned by The Uptown Café d/b/a Johnny D's at 17 Holland St. –
AL17-000322
(AL19-000012)

Attorney requested to place this item on the Agenda and Advertised for April 8, 2019 meeting to comply with the 3 day abutters notification requirement (Originally on March 18, 2019 Agenda)

Attorney Megan Kemp represents the applicant. Deborah Zammuto Manager of the LLC, also appeared. Attorney Kemp indicates the current owner has had some issues selling this license due to the influx of City Licenses. Construction is ongoing in this area and the building still needs to be built. Permitting has been completed on the Medford side.

Because the business address is Somerville, Attorney Kemp indicates the Alcohol License would need to be issued from Somerville. The letter of intent, instead of lease was provided due to the construction timeline, to be approximately 2021. Neither the buyer nor seller wanted to hold up the sale of this alcohol license as there is a buyer ready to purchase this license. This will be an Italian style restaurant with tapas and wine pairings. A large flex space for dance, local performers, some vocal talent, Karaoki and DJs'. About 102 seats. May need to alter seating once Building ISD and Fire establish capacity. Miss Zammuto does have 10 year Package Store Alcohol experience. Experienced staff with a well known Boston Chef will be brought on board for the running of the restaurant. Ms. Dellelis will be consulted on the entertainment. OHCD has been consulted due to the Somervision Plan between Ball Sq. and Magoun Sq. Councilor Neidergang has also been consulted and sent an email of support to the commission. 52 Units to be built. The outdoor seating will be in Somerville. The attorney will confirm this and inform the Secretary. 20% of the building will be in Somerville, 80% of the building will be in Medford. Attorney Kemp indicates all Medford zoning permits have been obtained. No Somerville zoning permits have been obtained or applied for yet. Has contacted planning to see what Somerville permits are necessary. Entertainment (performance area) is on the 1st floor on the Medford side of the line. Ms. Zammuto indicates the patio will be mostly on the Medford side in the small space behind the line between 519 Broadway (Somerville) and 87 Medford St. (Medford) The Commission Chair states we cannot issue a patio or Common Victualler license if it's are on the Medford side of the line. The bar would need to be on the Somerville side of the line for the Alcohol License. The Chair has consulted the ABCC for dual municipalities on another matter. The Chair would like to get a determination for this this matter from the ABCC. Attorney Kemp indicates she believes the patio will be on the Somerville side. The clerk will submit a request for a determination from the ABCC in writing

The Commission Chair suggests approving the Alcohol License transfer while putting all other licenses in abeyance until a determination is received from the ABCC. The Commission Chair makes note that the alcohol license be severed from the other licenses, grant the application but may not be able to issue the license until the transaction is approved by the ABCC. Attorney Kemp requests a continuance on this matter pending the ABCC clarification. If the ABCC indicates licenses are required from both municipalities, the applicant is willing to do this.

The Commission Chair will request guidance from the ABCC. The Chair also has concerns for the Common Victualler and Entertainment Licenses and compliance issues, complaints and enforcement issues.

The Commission has approved this application pending ABCC interpretation/communication (additional guidance for dual municipalities permitting/licensing and ABCC guidance suggested).



CITY OF SOMERVILLE, MASSACHUSETTS
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4/4/2019

To the members of the Commission, Mr. Allen, Mr. Lynch, Mr. McKenna; Mr. Maione, current proprietor of Pepe Bocca, and any member of the public that was in attendance on March 18, 2019, I respectfully submit the following.

During that meeting, an accusation of a forged document was brought to the attention of the Board, by me regarding a Liquor License renewal. Upon review of the renewal document, I witnessed my initials and the date of inspection. It was a document that I did not sign and the date of inspection was not accurate because there was no inspection made at this establishment.

I, along with a Building Inspector, do an annual inspection of all establishments that serve alcohol for the purpose of renewal. Pepe Bocca was never inspected because of ongoing renovations. Several attempts were made during our inspection period to gain access, and none were successful. So the date of inspection was not accurate.

Upon investigating this document further, I found that my electronic signature was placed on the renewal form as it has been for the last several years. My signature now indicates my rank and initials. Prior to 2015 I signed each renewal document with my full name and rank.

These inspections are done annually, and then are signed off on the City of Somerville's Citizenserve by myself and the Building Inspector. Inspectional Services will then sign off on the renewal after confirmation from the City Clerk's office that a renewal application fee has been received.

Somewhere in that line, a miscommunication was made and the renewal permit issued. It is with respect that a formal apology be given to the Board, Mr Maione, and anyone in attendance on that date.

Respectfully

Lt Robert MacLaughlan